

# **EXHIBIT “A”**

STATE OF INDIANA	)	IN THE ALLEN SUPERIOR COURT
	)	
COUNTY OF GRANT	)	SS: CAUSE NO. _____
CASANDRA L. SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
DRULEY ENTERPRISES, INC.,	)	
d/b/a BELMONT BEVERAGE,	)	
	)	
Defendant.	)	

### COMPLAINT

Plaintiff alleges against Defendant that:

1. Plaintiff Casandra L. Smith claims that she was sexually harassed, sexually discriminated against, retaliated against, and terminated as a result of reporting a sexually hostile work environment and complaining about sexual harassment, all in the manner set forth in EEOC Charge of Discrimination 470-2020-02374 which is attached hereto, made a part hereof, and incorporated herein as Exhibit "A". The EEOC issued a Dismissal and Notice of Rights on September 29, 2020 (Exhibit "B"), and this Complaint has been filed within ninety (90) days after receipt thereof.
2. Defendant Druley Enterprises, Inc., d/b/a Belmont Beverage, is a corporation authorized to do business in the State of Indiana and does so at 3305 N. Anthony Boulevard, Fort Wayne, Indiana. At all material times to this Complaint, Defendant was an "employer" for purposes of Title VII of the Civil Rights Act of 1964.
3. Defendant's reasons for terminating Plaintiff were false reports of theft claiming it was on video when there was no video, stealing cigarettes, and other made-up reports about stealing, were all false and pretextual, and in reality, Plaintiff was terminated for

reporting sexual harassment and sex discrimination.

4. The intentional actions of the Defendant and its management staff in allowing Plaintiff to be sexually harassed, and then retaliating against Plaintiff after she reported the sexual harassment, were in reckless disregard of Plaintiff's federally protected rights under Title VII of the Civil Rights Act of 1964. The discrimination, sexually hostile work environment, and retaliatory discharge caused Plaintiff to lose her job and job-related benefits including income. Plaintiff also suffered emotional distress, mental anguish, inconvenience, humiliation, embarrassment, and other damages and injuries for which she seeks compensatory damages. The intentional actions of the Defendant also warrant an imposition of punitive damages.

WHEREFORE, Plaintiff prays for judgment against the Defendant for compensatory damages, punitive damages, reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

#### **JURY DEMAND**

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/Christopher C. Myers

Christopher C. Myers, #10043-02  
809 South Calhoun Street, Suite 400  
Fort Wayne, IN 46802  
E-mail: cmyers@myers-law.com  
Counsel for Plaintiff

02D01-2012-CT-000625

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04/21/22 11:01-27-2020

APR/27/2020/MON 10:13 AM

Allen Superior Court

Equal Employment Opportunity Commission  
Indianapolis District Office

P. 004

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EEO Form 5 (11/05)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC Agency(ies) Charge No(s): 470-2020-02374	
<b>Equal Employment Opportunity Commission</b> and EEOC State or Local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Casandra L. Smith		Home Phone (incl. Area Code) 260-205-9619	Date of Birth
Street Address 139 West Street, New Haven, IN 46774			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Belmont Beverage		No. Employees, Members 50+	Phone No. (Include Area Code) 260-424-4804
Street Address 3305 North Anthony Blvd, Fort Wayne IN 46805			
Name Belmont Beverage		No. Employees, Members 50+	Phone No. (Include Area Code)
Street Address			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input checked="" type="checkbox"/> OTHER (Specify) <b>Sexual Harassment</b>		DATE(S) DISCRIMINATION TOOK PLACE Earliest: 10/23/2019 Latest: <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I. The Complainant is Casandra L. Smith, a qualified female employee of the Respondent's at all material times to this Charge. The Complainant alleges that during her employment she was discriminated against on the basis of her sex (female), and retaliated against for reporting sexual harassment, all in violation of Title VII of the Civil Rights of 1964, 42 U.S.C. § 2000e et seq "Title VII" ("Title VII"). II. The Respondent is Belmont Beverage, an employer doing business at 3305 North Anthony Blvd, Fort Wayne, Indiana 46805, among other locations. At all material times to this Charge, Respondent was an "employer" for the purposes of Title VII. III. The Complainant was employed by the Respondent from on or about February, 2009, until her termination. At the time of the alleged discrimination, the Complainant worked for the Respondent in the Yacht Club store. IV. Complainant was doing well in her employment until she let her employer know that she was sexually harassed. On or about September 27, 2019, after the Complainant had been working in a refrigerated area, she exited and took off a hoodie which she had worn to keep warm. After taking off the hoodie, she was approached by Kenneth Rutledge, a delivery driver, who stuck his hand down her shirt in her cleavage area, and who smacked her out the butt. Later that evening she contacted Human Resources, via text message, and was told she could report the issue and provide her statement via email, which she did the following morning to Amanda Altmus in Human Resources.			

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Ex. A

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# Equal Employment Opportunity Commission

## Indianapolis District Office

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- V. Not until approximately 11 days later, on or about October 8, 2019, did Amanda Allimus report to the Complainant (after Complainant asked for a follow up) that they could not verify her complaint via the security camera, and that they felt her wearing the tank top under her hoodie was too "provocative" and too "inviting" -- inferring it was the Complainant's fault that she was touched by Kenneth Ruffledge in her cleavage area and smacked on her butt. The Complainant was informed that there would be a "stern talking to" -- to all staff -- about observing personal space but that was all that would be done.
- VI. On or about October 23, 2019, the Complainant was met at her work location by Amanda Allimus and "Robert" who informed her she was going to be terminated because of theft. They alleged they had this on video-tape, but when Complainant asked to see the tape, they could not show her the video on the computer. They claimed it would not run. Complainant was accused of stealing a pack of Maverlok cigarettes, and some cranberry juice, without paying. Complainant does not smoke Maverlok cigarettes -- she actually smokes a different brand. Complainant is certain that she paid for the juice, and employees are allowed to purchase items from the store -- which is exactly what she did. They insisted she sign the acknowledgement of the write-up, and escorted her from the store. They also then informed the Complainant that they were going to investigate her going back 6 months in time, and that they intended to report the theft to the police and prosecutor.
- VII. On or about Thursday, November 21, 2019, a former co-worker, informed the Complainant that he was personally told that the real reason she was investigated and terminated was because she had made the sexual harassment complaint -- and that he was personally told this by "Robert" or "Bob" who had accompanied Amanda Allimus to terminate the Complainant.
- VIII. The Complainant alleges that in reality she was discriminated against on the basis of her sex (female), and in retaliation of reporting the sexual harassment, in violation of her federally protected rights under Title VII.
- IX. The Respondent's discriminatory and retaliatory conduct subjected the Complainant to loss of job related benefits, including income, as well as inconvenience, emotional distress, anxiety, and other damages and injuries. The Respondent's unlawful and discriminatory conduct was intentional, knowing, willful, wanton, and in reckless disregard of the Complainant's federally protected rights under Title VII, entitling the Complainant to compensatory damages, punitive damages, and reasonable attorney fees and costs against the Respondent.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

4/24/20  
Date

  
Charging Party Signature

NOTARY -- When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Janelle D. Guin

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Janelle D. Guin  
Notary Public for the State of Indiana  
Allen County  
Commission Number NP0723303  
My Commission Expires 10/31/2021

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Casandra Smith  
139 West Street  
New Haven, IN 46774

From: Indianapolis District Office  
101 West Ohio Street  
Suite 1900  
Indianapolis, IN 46204



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

470-2020-02374

Frederick J. BruBaker,  
Enforcement Supervisor

(463) 999-1148

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

*Michelle Elsele* for.  
Michelle Elsele,  
District Director

29 September 2020

(Date Mailed)

Enclosures(s)

cc:

Amanda Altmus  
Human Resources & Training Manager  
BELMONT BEVERAGE  
3305 North Anthony Blvd.  
Fort Wayne, IN 46805

Christopher C. Myers  
CHRISTOPHER C. MYERS & ASSOCIATES  
809 South Calhoun Street, Suite 400  
Fort Wayne, IN 46802

Fv B